

1 RENE L. VALLADARES  
Federal Public Defender  
2 State Bar No. 11479  
HEIDI A. OJEDA  
3 State Bar No. 12223  
411 E. Bonneville Avenue, Ste. 250  
4 Las Vegas, Nevada 89101  
(702) 388-6577/Tel  
5 (702)388-6261/Fax  
6 Attorney for David Walters  
7  
8  
9

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

10  
11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 vs.  
14 DAVID WALTERS,  
15 Defendant.

Case No. 15-mj-464-NJK

**STIPULATION TO AMEND  
SENTENCE, AMEND COUNT ONE AND  
CLOSE CASE**

16 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United  
17 States Attorney, and Nadia Ahmed, Assistant United States Attorney, counsel for the United States  
18 of America, and Rene L. Valladares, Federal Public Defender, and Heidi A. Ojeda, Assistant Federal  
19 Public Defender, counsel for defendant David Walters, that this court amend Mr. Walters sentence,  
20 amend Count One, and close the case.

21 This stipulation is filed for the following reasons:

22 1. On May 21, 2015, Mr. Walters appeared before the Court and entered a guilty  
23 plea to the complaint and was sentenced to pay a fine of \$500 with a \$10 penalty assessment, 64  
24 hours of community service, and attend and complete DUI Course and a Victim Impact Panel.  
25 Pursuant to the parties agreement, if Mr. Walters completed the above requirements by December  
26 15, 2015, the parties will ask the Court to amend Count One to Reckless Driving. (CR#2.)

27 ///

28 ///

1           2.       Mr. Walters has been working very diligently to complete all of his requirements set  
2 forth by the Court in a timely manner. Within two months of his initial appearance, Mr. Walters  
3 completed all of his requirements except for the Court approved DUI Course.

4           3.       Mr. Walters has been in constant communication with undersigned counsel  
5 concerning his case. Mr. Walters believed that he completed both the DUI class and the VIP panel  
6 through his participation with and attendance at the Victim Witness Services in Flagstaff, AZ. Upon  
7 investigation, it appears that the content of this program goes more to the VIP, than a DUI course.  
8 Upon learning this, undersigned counsel attempted to located an approved, in-person DUI course  
9 for Mr. Walters in Flagstaff, AZ. Mr. Walters is a 75 year old man, who does not use the internet.  
10 The office of the Federal Public Defender called five separate organizations in and around Flagstaff,  
11 AZ and attempted to coordinate with the local Federal Public Defender's office in the Northern  
12 District of Arizona in an effort to find an appropriate class for Mr. Walters to attend and complete.  
13 To date, undersigned counsel has been unable to find an appropriate in-person, approved DUI class  
14 for Mr. Walters.

15           4.       Undersigned counsel has spoken with the Government concerning this matter. Given  
16 Mr. Walter's diligence in completing his obligations and the particular circumstances of his case,  
17 the Government has agreed to request the Court accept his efforts as proof of completion of his  
18 entire sentencing obligation. The parties are therefore requesting that the Court waive the obligation  
19 that Mr. Walters attend and completed and approved DUI course.

20           5.       The parties therefore request that the Court accept the attached documents as proof  
21 of completion of Mr. Walter's sentencing obligations. The parties further request that the Court  
22 amend Count One to Reckless Driving, and that the same sentence previously imposed be applied  
23 to the Reckless Driving conviction.

24           6.       The parties further request that this matter be administratively closed.

25       ///

26       ///

27       ///

28

1 DATED this 15<sup>th</sup> day of September, 2015.

2 RENE L. VALLADARES  
3 Federal Public Defender

DANIEL G. BOGDEN  
United States of America

4 */s/ Heidi A. Ojeda*

5 By: \_\_\_\_\_  
HEIDI A. OJEDA  
6 Assistant Federal Public Defender  
7 Counsel for Defendant

*/s/ Nadia Janjua Ahmed*

By: \_\_\_\_\_  
NADIA JANJUA AHMED  
8 Assistant United States Attorney  
9 Counsel for the Plaintiff  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Case No. 15-mj-464-NJK

Plaintiff,

**ORDER**

vs.

DAVID WALTERS,

Defendant.

The Defendant has demonstrated good faith efforts attempting to complete all the obligations the Court has ordered in a timely manner. Therefore, the interest of justice is best served by amending Mr. Walter's sentence, accepting his efforts as proof of completion of his sentencing obligations, amending Count One to reckless driving, and closing this case.

**IT IS THEREFORE ORDERED** that the Court ordered obligation that Mr. Walters attend and complete a court approved DUI course be waived, and the Court accepts Mr. Walters efforts as proof of completion of all his sentencing obligations.

**IT IS FURTHER ORDERED** that in light of Mr. Walters completion, Count One is amended to Reckless Driving, and the same sentence that was previously imposed will be applied to the Reckless Driving conviction.

**IT IS FURTHER ORDERED** that the defendants case be administratively closed.

DATED this 16th day of September, 2015.

  
UNITED STATES MAGISTRATE JUDGE